

DANA A. SUNTAG (State Bar #125127)  
JOSHUA J. STEVENS (State Bar #238105)  
HERUM\CRABTREE\SUNTAG  
*A California Professional Corporation*  
5757 Pacific Avenue, Suite 222  
Stockton, California 95207  
Telephone: (209) 472-7700  
[dsuntag@herumcrabtree.com](mailto:dsuntag@herumcrabtree.com)  
[jstevens@herumcrabtree.com](mailto:jstevens@herumcrabtree.com)

Attorneys for All Defendants

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KAREN SUTHERLAND, et al.,

Plaintiffs,

vs.

CITY OF STOCKTON, et al.

Defendants.

Case No.: 2:21-cv-01855-WBS-AC

**STIPULATION AND ORDER FOR  
SCHEDULING RESPONSE DATE TO  
FIRST AMENDED COMPLAINT AND  
CONTINUING OTHER DATES IN CASE**

**[No hearing required]**

1 This Stipulation is respectfully submitted by all named parties: Plaintiffs Karen  
2 Sutherland, mother of the Decedent, and Erica Rae Belatti, as Guardian Ad Litem for the minors  
3 S.A.S., Jr. and D.J.S. (as both children of, and successors in interest to, the Decedent), on the one  
4 hand; and Defendants City of Stockton (the “City”), former City of Stockton Chief of Police Eric  
5 Jones, Officer Ronald Zalunardo, and Officer John Afanasiev, on the other hand, all through  
6 their undersigned counsel of record.

7 RECITALS

8 A. On October 4, 2021, Plaintiffs filed this lawsuit.

9 B. On or about December 20, 2021, Plaintiffs served process on the City. On or  
10 about December 22, 2021, Plaintiffs served process on Chief Jones and Officers Zalunardo and  
11 Afanasiev.

12 C. On January 5, 2022, pursuant to the parties’ stipulation, the Court rescheduled the  
13 Initial Status Conference from February 28, 2022, to April 11, 2022, and extended Defendants’  
14 time to move, plead, or otherwise respond to the Complaint to February 18, 2022. (ECF No. 9.)

15 D. On February 3, 2022, Defendants’ counsel met and conferred with Plaintiffs’  
16 counsel about a potential motion to dismiss portions of the Complaint.

17 E. On February 10, 2022, Plaintiffs’ counsel agreed, after considering the points  
18 raised by Defendants’ counsel, to file a First Amended Complaint (“FAC”).

19 F. On March 8, 2022, Plaintiffs filed their FAC. Pursuant to Rule 15(a)(3),  
20 Defendants’ deadline to respond to the FAC is March 22, 2022.

21 G. Defendants’ counsel is reviewing the FAC and considering a potential motion to  
22 dismiss or to strike portions of the FAC, but needs additional time to make this determination. If  
23 Defendants’ counsel decides it is appropriate to move to dismiss or to strike, they will meet and  
24 confer with Plaintiffs’ counsel in an effort to reduce the scope of, or potentially eliminate the  
25 need for, a motion.

26 H. Therefore, the parties agree, subject to Court approval, that Defendants shall have  
27 through and including April 8, 2022, to move, plead, or otherwise respond to the FAC.

28 I. Based on the status of the pleadings, the parties additionally request that the Court  
continue the following dates for approximately 60 days to allow additional time for the pleadings  
to be set, so that the parties may conduct a more focused discussion of the discovery and  
disclosures that will be necessary, prepare a more focused joint status report, and conduct a more

1 productive status conference: (i) The due date for the parties to conduct their Rule 26(f)  
2 conference and to meet and confer on the joint status report, which is currently March 21, 2022;  
3 (ii) The due date for the joint status report, which is currently March 28, 2022; (iii) The date of  
4 the initial status conference, which is currently April 11, 2022; and (iv) The date for the parties  
5 to exchange their initial disclosures.

6 J. This is the second request for a continuation of these dates in this case.

7 STIPULATION

8 IT IS STIPULATED AND AGREED, by the parties, through their counsel of record, as  
9 follows:

10 1. Defendants have through and including April 8, 2022, to move, plead, or  
11 otherwise respond to the FAC.

12 2. The Initial Status Conference be continued to June 13, 2022, or the date soonest  
13 thereafter that is agreeable to the Court.

14 3. The parties' joint status report be due 14 days before the continued Initial Status  
15 Conference.

16 4. The parties will conduct their Rule 26(f) conference and will meet and confer on  
17 the joint status report at least 7 days before the joint status report is due.

18 5. The parties will exchange their initial disclosures on or before the same date that  
19 the joint status report is due.

20 Respectfully Submitted,

21 Dated: March 16, 2022

HERUM CRABTREE SUNTAG  
A California Professional Corporation

22 By: /s/ Joshua J. Stevens  
JOSHUA J. STEVENS  
23 Attorneys for all Defendants

24 Dated March 18, 2022

BOHM LAW GROUP, INC.

25 By: /s/ V. James DeSimone  
V. JAMES DESIMONE  
26 Attorney for all Plaintiffs  
27  
28

**ORDER**

**IT IS SO ORDERED.**


Defendants shall have through and including April 8, 2022, to move, plead, or otherwise respond to the FAC.

The Initial Status Conference is continued to **July 18, 2022 at 1:30 p.m.**, to be held via Zoom video conference (unless otherwise ordered).

The joint status report is due on or before **July 5, 2022**, and the parties must meet and confer by no later than seven days before that date.

The parties' deadline to exchange initial disclosures is continued to **July 5, 2022**.

Dated: March 21, 2022

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE